

NOV 10 2020

UNITED STATES DISTRICT COURT

AT GREENBELT
CLERK, U.S. DISTRICT COURT
DISTRICT OF MARYLAND

DEPUTY

for the

District of

Division

Case No.

GJH 20 CV 3259

(to be filled in by the Clerk's Office)

Adrian Petrus

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Jury Trial: (check one) ☐ Yes ☐ No

KR Contracting

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

COMPLAINT FOR A CIVIL CASE

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Adrian Petrus
Street Address	4509 38 th place
City and County	Brentwood Prince Georges county
State and Zip Code	Maryland 20722
Telephone Number	240-417-5248
E-mail Address	asvin_2000@icloud.com

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Defendant No. 1

Name	KR Contracting
Job or Title <i>(if known)</i>	
Street Address	223 N Prospect st # 105
City and County	Hagerstown Washington county
State and Zip Code	Maryland 21740
Telephone Number	301-7977569
E-mail Address <i>(if known)</i>	bkuhlman@krcont.com

Defendant No. 2

Name	
Job or Title <i>(if known)</i>	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address <i>(if known)</i>	

Defendant No. 3

Name	
Job or Title <i>(if known)</i>	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address <i>(if known)</i>	

Defendant No. 4

Name	
Job or Title <i>(if known)</i>	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address <i>(if known)</i>	

II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? *(check all that apply)*

☒ Federal question ☐ Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

A. If the Basis for Jurisdiction Is a Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

Discrimination under American disability act 2008.

Article 13 of the Collective Bargaining Agreement (CBA) is in violation for Right to petition in the United States, Petition Clause of the First Amendment to the United States Constitution, CBA are meant to keep litigants out of court. The CBA was not agreed in good faith by the company or UNION. Company also forcing Veterans and other employees to buy health insurance while the employees or veterans already have health coverage, this is unconstitutional and the company ignoring the guidelines set forth by IRS when it comes to Service contract agreement.

Discrimination against Protected Veteran under Vietnam Era Act.

Company failing to comply with Workers Comp Laws.

B. If the Basis for Jurisdiction Is Diversity of Citizenship**1. The Plaintiff(s)****a. If the plaintiff is an individual**

The plaintiff, *(name)* _____, is a citizen of the State of *(name)* _____.

b. If the plaintiff is a corporation

The plaintiff, *(name)* _____, is incorporated under the laws of the State of *(name)* _____, and has its principal place of business in the State of *(name)* _____.

(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)

2. The Defendant(s)**a. If the defendant is an individual**

The defendant, *(name)* _____, is a citizen of
the State of *(name)* _____. Or is a citizen of
(foreign nation) _____.

b. If the defendant is a corporation

The defendant, *(name)* _____, is incorporated under
the laws of the State of *(name)* _____, and has its
principal place of business in the State of *(name)* _____.
Or is incorporated under the laws of *(foreign nation)* _____,
and has its principal place of business in *(name)* _____.

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)

3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because *(explain)*:

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

On January 23rd 2019 I got injured on the job, i was taking to ER by Abulance from work, the ER doctor told me to follow up with my doctor for treatment of my injury. After following up with my doctor he took me off work and start treatment, my attorney filed for workers Comp in District of Columbia workers comp. After every doctor visit i send in the note from the doctor stating I was total disable during the period of time. I was under workers Comp Leave at the time and everything was fine with the employer until new HR Manager Rhonda Jeffers send me an email introducing herself and informed me that i have to pay for health insurance. this was on 4-18-19, I replied back that i was forced to buy the health insurance and I have Veteran Affairs (VA) health coverage and according to the CBA if you have Health Coverage you can waive the health insurance but company did not honored the CBA and claimed veterans has to be 70% disable in order to waive medical insurance. the VA health coverage it's the same for all Veterans no matter if you are disable or not, the doctors and hospitals treats all veterans the same. I also informed her that I was on workers comp and i have not been paid yet, we have a hearing on 4-28-19 with workers comp . During the hearing the attorney for the company/insurance did not showed up claiming he never got my file. The Adjuster for the insurance company was on vacation until 5-6-19, we agreed to wait until she returns from vacation to get the file and have another hearing that week.

On May 7th 2019 just a day after adjuster return from vacation i recived an email from Rhonda Jeffers HR Manager for KR Contracting that i was fired, I respoded back saying that you can't fire me while on workers comp and her respond was, We don't have a recort of you been on workers comp. At this time the union got involved and the company reinstated me on May 9th this time the company Implied and put it in writing that i was on FMLA, this was the first time the compoany Implied that they are using FMLA but gave me until the enf of May to return back to work. First the FMLA can not be back dated, it is the company duty to inform me if they want to use FMLA along side with workers comp leave, the first time the compnay used or implied FMLA was May 9th and therefore my 18 weeks of FMLA started May 9th . As a diabetic it takes longer time for me to heal from any injuries and that's why people with diabetic are protected under American disability act, also under the new american disability act of 2008 short term disability of 4 moths or more are also protected and the company by implying that I have to be clear by the doctor by May 31st 2019 was not accomodating my disability and discriminated against American disability act and Article 5 of the CBA. when finally i was cleared to come back to work the company claimed I was no longer with the company due to section 8.5 of the CBA, however that section does not apply to me because I never requested in writing to be on unpaid medical leave. I was on workers comp leave and the company put me on FMLA on may 9th so therefore section 8.5 is for employees that do not qualify for FMLA but been with company for over 90 days.

Due to compony refusal, wrongful termination, and not been paid for my workers comp leave, my finace took a huge hit, I had hardship and i was unable to keep up with bill since I did not work both jobs and finally i only had one job but i needed income from both jobs to keep up eith bills, this hardship lowered my credit score, i was unable to get a loan modification on the two properties and faced foreclosure on both properties and forced me to file for bankruptcy. Also this situation created depression and lots of stress on me. now i have to take medication to deal with my depression. The Company refusing to even going to Arbitration. The 5 days were not enough to go thru EEOC or evn finding amd talking to an attorney after the Union decided not to file a charge.

IV. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

Due to discrimination and wrongful termination i was forced to file for bankruptcy, my credit got destroyed, finally I was able to come out of bankruptcy under understanding that i get funds for selling properties, yet still dealing with that and it looks like soon I might have to go back unless i can sell all properties. because of the depression and credit damage will be hard for me to find a 2nd full time job. all jobs goes based on your credit. I can't get a secret clearance because of my credit at thus time. I do have all properties for sale and two are under appraisal amount and still can't get them sold. Also i was trying to refinance the loans that could had saved me between the two properties in interest alone over the next 30 years around \$400,000 to \$500,000 due to the lowest interest rates, but because of my credit scores i can't, the properties were my retirement nest since the company took the money that supposed to go to 401K to pay for health insurance i did not want or need, therefore now i will not have a retirement nest at all. as for damage on lost income for past and future is anywhere between \$100,000 to \$2,250,000, pain and suffering, punitive damage should be applied because the company ignores the laws, guidelines set by DOL or IRS ignoring the CBA. the amount should be up to the court to decide.

V. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 11/04/2020

Signature of Plaintiff

Printed Name of Plaintiff

Adrian Petrus

B. For Attorneys

Date of signing: 11-10-20

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Street Address

State and Zip Code

Telephone Number

E-mail Address